

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CLEAR-VIEW TECHNOLOGIES, INC.,
Plaintiff,
v.
JOHN H. RASNICK, et al.,
Defendants.

Case No. [13-cv-02744-BLF](#)

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO FILE
DOCUMENT UNDER SEAL**

[Re: ECF 177]

Plaintiff moves to seal exhibit C to the Declaration of Doug Tilley, submitted with its reply brief in support of its motion to exclude evidence. *See* ECF 177.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Id.* at 1178. Two standards govern motions to seal documents, a “compelling reasons” standard, which applies to most judicial records, and a “good cause” standard, which applies to “private materials unearthed during discovery.” *Cf. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal a document submitted along with a motion to exclude evidence must meet the “compelling reasons” standard.


Plaintiff submits a declaration in support of its sealing request, and declares that the information contained in exhibit C contains “technical, financial, strategic, and other sensitive information that is confidential and proprietary to CVT.” Tilley Decl., ECF 177-1 at ¶ 2. The Court has reviewed the exhibit, and finds that while it may contain some proprietary or confidential information, Plaintiff has not made a sufficient showing as to why this exhibit should be sealed in its entirety. A party seeking to seal a document under Civil Local Rule 79-5 must make a request that is “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-

1 5(b). Plaintiff's bare recitation that the information in exhibit C, which is over sixty pages long,
2 contains some "technical, financial, strategic, and other sensitive information" is not sufficient to
3 seal the exhibit in its entirety. For example, the exhibit includes emails that do not seem to contain
4 confidential information, and some PowerPoint slides that include only general information about
5 the company and product at issue in this suit.

6 The Court therefore DENIES Plaintiff's motion to seal the exhibit in its entirety, without
7 prejudice to Plaintiff filing a more narrowly tailored motion to seal portions of the exhibit, with
8 particularized reasons for filing the portions of the document under seal consistent with Civil
9 Local Rule 79.

10 **IT IS SO ORDERED.**

11 Dated: April 27, 2015

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13 BETH LABSON FREEMAN
14 United States District Judge
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